COMMITTEE ON PRISON REFORMS IN MYSORE, BANGALORE.

MEMORANDUM No. 28—P. R. 6, DATED 10th APRIL 1940.

The Government of Mysore have, by an Order of 6th March 1940, appointed a Committee, constituted as noted in the margin, to make an enquiry into the whole matter of prison administration in the Mysore State, the efficacy of the existing system, and any defects therein, and to suggest remedies and improvements on practicable lines. It is observed in that Order that a considerable period of time has elapsed since the subject of prison administration in India was subjected to comprehensive enquiry, that the system in force in Mysore, which is more or less the same in essentials as in British India, has remained almost unchanged during the last twenty-five years and more, and that the Government consider that the time has arrived for a thorough overhauling of the machinery and methods in the light of experience here and elsewhere and of progressive ideas as to the treatment of prisoners and the moral and deterrent effects of prison discipline.

Chairman.

1. *Rajadharmapravina Diwan Bahadur* K. S. Chandrasekhara Aiyar, Esq., B.A., B.L., Retired Chief Judge of Mysore.

Members.

2. *Rajasevasakta* B. K. Narayana Rao, Esq., B.A., M.B.C.M., etc., Inspector-General of Prisons in Mysore.
3. Abdul Aziz Khan, Esq., B.A., District Magistrate, Bangalore District.
4. B. G. Appadorai Mudaliar, Esq., B.A., etc., Director of Industries and Commerce.
5. *Rajadharmaprasakta* K. Shankaranarayana Rao, Esq., M.A., B.L., Retired Judge, High Court of Mysore.
6. D. H. Chandrasekharaiya, Esq., B.A., LL.B., Advocate and Member, Legislative Council.
7. B. Puttaiya, Esq., B.A., Retired Superintendent, Government Printing.
8. R. Gopalaswami Iyer, Esq., Member, Representative Assembly.

Secretary.

9. B. K. Ramakrishnaiya, Esq., M.A., LL.B., Assistant Secretary to Government.

The Committee will feel greatly obliged if persons conversant with the subject, and in a position to offer helpful information, criticism, suggestion or advice, will kindly furnish their views in writing to the undersigned on or before the 1st of June next.

As a guide to the points on which opinions would be welcome, a syllabus indicating the main heads of enquiry is appended; but, of course, answers need not cover all of them, nor be confined to these only if there are other points having a close bearing on the subject-matter of the enquiry which is desired to be illuminated. It is particularly requested that answers, while being reasonably concise and free from vague generalities, should, as far as possible, be complete and self-contained, particularly as the oral examination of witnesses will be strictly limited in number and scope.

Copies of the syllabus may be had on application to the undersigned.

By Order,

B. K. RAMAKRISHNAIYA,

Secretary.

NOTE.—While sending in replies, it is requested that the following particulars also may be furnished:—

1. Name of the person answering.
2. Age.
3. Occupation.
4. Residence.
5. Particulars, if any, bearing on special knowledge or experience regarding the subject.

SYLLABUS.

I. PRISONS AND PRISON ADMINISTRATION.

A. *Classes of Prisons.*

Classes of prisons in the State, their number and location; average number of inmates in each.
What institutions to be classed as subsidiary jails.
Nature and purpose of subsidiary jails.
Control.
Staffing.
Accommodation, scale of—
Whether any changes are required in regard to the above.

B. *Administration and Superintendence.*

Inspector-General of Prisons; selection, duties and powers.
Conference with Inspectors-General of other parts of India.
Superintendents—Deputy and Assistant Superintendents.
Their number, recruitment, qualifications, training.
Salaries, prospects.
Officers in charge of lock-ups.
Powers, duties, responsibilities.
How far the system of placing Medical Officers in charge of Jails is satisfactory from all points of view.
Separation or combination of Medical charge with superintendence.
Whether any alteration is required; if so, the financial result.

C. *Prison Staff.*

Subordinate Executive Establishments: Jailors, Deputy-jailors, Warders, Deputy-warders, etc.—Their number, selection and so on.
Clerical establishment (—their number, selection and so on).
Medical Staff.—
Number of officers, emoluments, duties.
Technical staff (Industrial, etc.)—Number, qualifications, emoluments, duties.
Other officials (Store-keepers, night-watchmen, etc.), number, qualifications, emoluments, duties.
Convict officers.—
Number, qualifications, duties, privileges.
Whether existing Prison staff is sufficient in number, efficient and adequately paid as a whole, and in respect of the diffierent classes of officers.
Whether the existing system of selection, recruitment and training for the various classes of offices is satisfactory; and in what respects it is capable of improvement.

D. *Efficiency and Economy.*

Have officers generally a proper understanding of their respective duties?
How far corruption and petty tyrannies are prevalent among the lower staff.
Prevention of dishonesty and corruption.
Qualifications required of a good Prison Staff.
How far these are attained at present.
Directions in which changes are required.
Quarters for Prison officers and officials.
The characteristics of a well-run prison.
The factors which give it a good "tone."
Employment of police for guarding or other purposes.
Services—feeding, clothing, medical service, etc.
Prison manufactures.
Adequacy of arrangements.
Payment of prisoners for work.

Need to attach a special officer conversant with prison economy to the Inspector-General's Office.

Prison Finance.

Directions in which, and measures whereby, economy may be attained without loss of efficiency.

E. Boards of Visitors.

Boards of visitors for the different classes of Prisons.

Their constitution; number, officials and non-officials.

Mode of appointment, period, etc.

Lady visitors.

Functions of visitors.

How their work may be encouraged and helped.

Frequency of visits and inspections. Points to be attended to.

Complaints to visitors; action to be taken.

Record of visits and inspections.

Changes required.

F. New Prisons.

Working capacity of prisons, how determined.

Superficial area for each prisoner.

Standard size of berths in new prisons.

Measures to relieve overcrowding.

Points to be remembered when constructing new jails; situation, area, accommodation required for various purposes, etc.

Plan of prison buildings.

Number and type of cells.

Latrines, requirements as to—

Lighting, water-supply, etc.

Division between blocks; outer enclosure.

Equipment of Prisons (power, machinery, tools and materials).

G. Rules, etc.

Jail Manual and Lock-up Manual; in what respects they need revision.

How far it is possible to have uniformity of regulations and methods in Mysore with those of other parts of India.

II. PRISON POPULATION.

A. Classification.

The object of classification of prisoners.

The mode of classification; the various classes to be adopted.

The Stage System, its object and incidents.

Authorities empowered to classify.

Rules as to classification. Any changes needed in the existing system.

Whether classification should be in accordance with the nature of the offence or the term of sentence.

Nature of differentiations in treatment.

How far judges and magistrates are in a position to discriminate as regards the placing of convicted prisoners in different divisions and the treatment to be accorded to individual prisoners.

Effect of prison life on first offenders.

Do on habituals.

B. Separation.

Objects of separation.

Desirability of full or partial separation; of some or all prisoners.

At particular times, especially after dusk, or during sleeping time only.

Effect, if any, of a system of separation on health, bodily and mental.

Utility of cubicles or cells; improvements over existing types; number required in proportion to prison population.
Should first offenders be separated from habitual criminals?
And the young from the adult? How far separation is possible in the existing types of prison buildings.

C. Juvenile Offenders.

Necessity and scope of legislation in regard to the prevention of juvenile crime and the treatment of juvenile offenders.
Age limits for classification as (*a*) children and (*b*) young persons.
Commitment of children and young persons to prison; how far expedient.
Expediency of forbidding sentences of imprisonment in their cases.
Custody of such offenders under remand, and during trial.
Children's Courts, how far feasible in large towns.
Possible alternatives in other places.
Constitution, powers and procedure of Children's Courts.
Probation officers; paid or voluntary; their functions.
Sentences of whipping on young offenders, when and how inflicted.
Reformatories and Reformatory schools; their feasibility, location, working, etc.
Disposal of defective children; reformatory school or special institution.
Expediency of legislation in regard to the custody and upbringing of children in improper surroundings, including female children in danger of becoming prostitutes.

D. Adolescents.

Who are to be regarded as adolescents; age limits.
Place of confinement of adolescents: juvenile jails or ordinary jails or special reformatory institutions.
Discrimination according to gravity of crime.
Female adolescents.
Management of special institutions.
Authorities empowered to commit.
Powers of Superintendent.
Staff.
Treatment of inmates, surroundings, etc.
Period of detention in special institution.
Release on license, and supervision after release.
Convicted adolescents who relapse into crime.

E. Habituals.

Habituals: who to be included.
How far it is true in the case of these that "prevention is more important than cure."
The principal classes of habitual criminals.
Measures for the treatment of Recidivism.
Female habituals, desirability of special prisons.
Members of Criminal Tribes.
Escaped convicts.
Employment for habituals.
Sleeping accommodation and other incidents.

F. Females.

Isolation of female prisoners from rest of inmates.
Classification, basis of—among female prisoners.
Feasibility of separate prisons for females.
Female warders in central and subsidiary jails.
Escort for female prisoners when sent out.
Employment and instruction; present arrangements and possible improvements.

Retention of their children by female prisoners.
Amenities and conveniences in the matter of dress, recreation and the like.
Attention to behaviour and personal appearance.
Training; suitable forms of labour.
Women visitors.
Appropriate mode of treatment; cases of prostitutes and drunkards.
Nature of reformatory work required.

G. Mental Defectives.

Differences in type of mental defectives (insanity, deficiency, abnormality, etc.)
Feasibility of separation and of treatment in special institutions.
Possibility of segregating defectives from the normal population.
Expert mental examination of adolescent and child offenders.
Bearing of mental condition on criminal responsibility.
Arrangements for confinement of non-criminal and of criminal lunatics.
Disposal of recovered lunatics under-trial or convicted.
Changes, if any, required in Acts and Rules.
Desirability of special legislation.

H. Non-habituals.

Non-habituals.
Differentiation such as "star", "special", "ordinary".
Employment of non-habituals.
Sleeping accommodation and other incidents.

I. Other Classes.

Simple Imprisonment Prisoners.—Differentiation in respect of labour, diet books, bedding, clothing and so on.

Political Prisoners.—
Who to be included.
Any special treatment required.
Should they be confined with ordinary prisoners or separately, either singly or in groups.

Civil Prisoners.—
Where to be confined.
Existing arrangements, and any changes needed, as to work, exercise, recreation, sleeping, guarding, and so on.

Military Prisoners.—
Existing arrangements, and changes needed.

Condemned prisoners.—
Guarding of—by police or warders.
Case of female prisoners under death sentence.
Use of fetters and belchains.
Amenities and concessions to condemned prisoners.
Carrying out of sentence.
Feasibility of a separate prison for condemned prisoners.

Leper Convicts.—
Segregation of—; present arrangements and possible improvements.
Special accommodation.
Arrangements for disinfection.

Sexual offenders—their treatment.

J. Under-trials.

Necessity for separation of under-trial block from convict prison.
Guarding arrangements.
Whether under trials should be restricted to cells.

Separation as among undertrials.
Isolation of murder accused.
Concessions to undertrials in regard to food, clothing, books, writing materials, smoking, etc.
Employment of undertrials.
Prevention of undue detention of undertrials. Whether period of detention should count as part of sentence.
Production in Court in fetters; whether desirable.

III. TREATMENT OF PRISONERS.

A. Prison Labour.

Principles governing selection of labour.
Adaptation of labour to the different classes of prisoners.
Forms of labour, intra-mural and extra-mural.
Prison labour; how far it should be productive.
Suitable forms of productive labour in prison.
The earning scheme as the basis of prison industry; its nature, advantages, and method of operation.
Uniformity versus variety in nature of tasks set.
Effect of continuous manual labour on health of body and mind.
Municipal and local outdoor work.
Public works, roads, gardens, etc.
Employment on construction of Jail buildings.
Agricultural and fruit farms, etc.; possibilities and suitability of employing prisoners.
Reclamation and cultivation of land; how far and in what circumstances an appropriate form.
Industries as distinguished from unskilled labour.
Appropriate forms of jail industries.
Choice of jail manufactures.
Disposal of products.
Sale to public. Competition with outside market. Fixation of prices, advertisements, etc.
Patronage by Government Departments.
Supply of power, machinery, materials.
Expert supervision.
Financial scrutiny.
Possibility of organising on economic basis.

B. Prison Offences.

Nature and classification.
Punishments for prison offences; nature and circumstances in which inflicted.
Necessity for enquiry.
Whether commission of prison offences can be prevented or minimised.
Prevention of mutiny and riots in jails.
Authorities empowered to deal with prison offences.
Record and reports of punishments awarded.
Corporal punishment; restrictions on use.
Mode of administration.
Standing handcuffs, link-fetters, bar-fetters, etc. Restrictions on use.
Solitary confinement, whether to be retained or abolished.
Maximum extent of separate confinement.
Degree of labour awarded (hard, medium, light, etc.)
Combined punishments; restrictions to be imposed.
Talking in prison; how far restrictions should be enforced ordinarily, and as punishment.
Use of irons (fetters, belchains, etc.,) for restraint and security; restrictions to be imposed.

Prevention of outbreaks from jail; measures to be taken.
Power to offer rewards for recapture; limit of amount.
Amendment of rules as to prison discipline.

C. Reformatory Influences.

Extent to which provision for education is needed in the different classes of jails.
Nature of instruction to be given. Hours, standard, etc.
Jail libraries, and their use by prisoners.
Gift of books to jail libraries.
'Book Dump' scheme.
Permission to prisoners to get their own books.
Prison lectures; their possibility and scope.
In what respect existing rules and practice require modification.
How often interviews and letters may be permitted.
Assistance to illiterate prisoners who want to write letters.
Place of religion in a reformatory system.
How far it is desirable and possible to provide for religious and moral instruction to prisoners.
The agencies to be employed, and remuneration if any.
Scope of religious and moral instruction.
Provision for religious services and observances for individual prisoners or classes of prisoners.
Vocational training of prison inmates.
Object of such training.
Scope and form of training.
Recreation; forms, hours, associations and other incidents.
Occupation for the evening hours between completion of work and sleep.

D. Physical Condition, etc.

Existing arrangements in regard to the diet of various classes of prisoners.
How far changes are required.
Changes in the prescribed dietary; when and by whom to be made.
Cooking and serving of food; existing arrangements and changes if any needed.
Purchase and storage of provisions.
Kind and number of prison clothes for various classes of prisoners; existing practice and changes, if any, needed.
Use of distinctive marks on prisoners' clothing and bedding.
Use of wrist-rings, ankle rings and neck-rings; when necessary or permissible.
Supply of water for drinking and for ablution.
Arrangements for bathing; any improvements needed.
Use of snuff, tobacco, betel-leaves, etc., by prisoners.
Latrine arrangements; improvements if any needed.
Use of night utensils in cells.
Night-soil in prisons.
Disinfection of clothing and bedding; existing arrangements and any changes needed.
Lighting of premises, including cells; existing arrangement and possible improvements.
Possibility of electric installations.
Hospital buildings and accommodation. What improvements required.
Nature and scale of equipment required.
Medical Treatment.
Nurses, male and female.
Employment of prisoners as hospital attendants.
Medicines, etc.
Weighment of patients.
Special diseases, infectious, tubercular, malarial, etc.
Health of prisoners in Mysore Jails and lock-ups.
Comparison with the general health of the surrounding population.

Statistics in illustration.
Measures for prevention and for treatment of diseases.
Arrangements for segregating infectious diseases.
Attention to personal hygiene; how far enforced.
Dietary in relation to physiological needs of prisoners as a class or individually.
Nature of work of medical officers.
Whether sufficient attention is paid to the mental condition of prisoners.

E. Gratuities and Remissions.

Rationale of the system of granting gratuities.
Condition of earning of gratuities.
Prisoners' power of disposing of gratuities.
Rewards to prisoners.
Nature, extent and circumstances in which rewards may be earned.
Forfeiture of rewards when justifiable.
The Pecule System (of rewarding prisoners who complete a full and approved daily task).
Working of this system in the Punjab.
How far it may be experimentally tried in Mysore.
Sentences in regard to which remissions may be given.
Amount of remission; calculation.
How remissions may be earned; reasons for grant.
Circumstances in which past remission may be forfeited, and future remissions excluded.
Special remissions; their admissibility.
Classification of life convicts for purposes of remission.

F. Aid and After-care.

Aims of voluntary work among prisoners.
After-care of released prisoners.
The rationale of after-care.
Why organised help is required; nature of the help to be given in different cases.
After-care for women-prisoners; points to be attended to.
Requirements of an efficient after-care system.
Prisoners' Aid Societies.
Constitution.
Functions.
Staff and agencies needed, honorary and paid, male and female.
Facilities for their work.
Nature of aid to be given in different cases.
Reports to be furnished.
Advisability of centralising the work of societies.
Provision of funds.
Whether grants to societies are proper charge on public funds.
Disposal of prisoners' gratuities.
Relation between Aid Societies and Parole officers.
How far there is organised provision for aid to released prisoners in Mysore.
Working of system in Mysore compared with other parts of India.

IV. Problem of Crime and the Criminal.

A. Causation of Crime.

The causation of Crime; the various factors involved, subjective and extraneous.
Classification of crime according to origin.
How far there is a distinctive criminal type.
Making of the criminal.
Causes of female crime.
Do juvenile crime.

B. Treatment of the Criminal.

Object of punishment.—Retributive, deterrent or reformatory.
Should punishment fit the crime or the criminal; that is, whether the nature of the offence or the character of the offender is the more important consideration.
How far it is desirable to apply to local conditions the provisions of the Criminal Justice Bill, introduced in the House of Commons by Sir Samuel Hoare, for the abolition of imprisonment in the case of young persons convicted of certain offences and substitution of alternative methods.
Ditto with regard to the corrective training of offenders who, though young in years, persist in crime.
Ditto with regard to hardened and professional criminals.
Ditto with regard to the abolition of corporal punishment except in certain prescribed cases.
Severity contrasted with certainty of punishment as a deterrent.
Solitary confinement and association; balance of advantages and disadvantages.
Whether it is possible to combine the advantages of both systems.

C. The Penal Law.

The Penal Law of India, as represented by the Criminal Codes, the Judicial System, and the Prison System.
Their general characteristics from the point of view of the suppression of crime and the reclamation of the criminal.
Prevalent attitude towards problems of Crime and the Criminal.
Desirability of amending those sections of the Indian Penal Code which make imprisonment obligatory on conviction, so as to give discretion to Court.
Discouragement of short sentences by imposing a minimum limit.
Value and efficacy of imprisonment as a remedial measure.
Amendments of provisions in the Criminal Procedure Code regarding the levy of fine, in such matters as grant of time for payment, permission to pay in instalments, award of imprisonment for non-payment only by separate proceedings, and so on.

D. Capital Punishment.

The Death sentence.—
Its necessity and use.
Expediency of its abolition.

V. APPROACHES TO PROBLEM.

A. Substitutes.

How far it is true that "the most practical and the most hopeful of 'prison reforms' is to keep people out of prison altogether."
Substitutes for Imprisonment.
The indeterminate sentence; nature and incidents and circumstances in which it may be resorted to.

B. Revision.

Revision of sentences.—
Reasons for and against; balance of advantage.
Effect of system on outlook and behaviour of prisoners.
To what classes of prisoners to be applied.
Provision for periodical revisions of sentence.
Scale of remissions in different cases.
Constitution of Remission Boards; their functions.
Points to be considered by the Board.

C. Release.

Procedure as to release on parole.
Conditions to be imposed; penalties for breach.
Parole officers; their functions.
Nature and incidents of the probation system.
Its objects and results.
Extension of Section 562 of the Criminal Procedure Code to other offences.
Release on probation and outright release; comparative advantages.
Conditions for release.
Penalty for breach of conditions.
Probation officers and non-official workers. Their functions.
Expediency of utilising police agency for supervision.
How release on probation differs from release on Parole.
Possibilities of a scheme on the lines of the Punjab "Good Conduct Prisoners' Probational Release Act."

D. Juvenile Criminals.

Juvenile Crime.
Factors in the causation of—
Measures for prevention.
Necessity for consolidated legislation for the prevention of Juvenile crime, and the matters to be provided for.
Borstal institutions; objects and nature of training.
How far it is desirable and possible to establish such institutions in Mysore.
The main principles of the course of training.
Remand Homes.
Other special institutions.
Removal of Disabilities of convicted prisoners.

E. Habituals, Professionals and Criminal Tribes.

Habitual Criminals.
Preventive detention.
How far it differs from ordinary imprisonment.
Experience of its working elsewhere.
Objects and main features.
Professional Criminals.
Colonies for incorrigible criminals; how far desirable and feasible in Mysore.
Experience of the Salvation Army's Work.
Feasibility of Settlements and Colonies for habituals and professionals.
Criminal Tribes.
Criminal tribes in the Mysore State.
Policy in regard to the treatment of Criminal Tribes.
Existing legislation, and any changes needed.
Settlements for criminal tribes; object, situation, administration, agency, official and non-official.
Procedure in regard to commitment to settlement.
Provision of employment for members of settlement—agricultural, industrial, public works, etc.
Appointment of a Reclamation Officer.
Nature of reformatory influences in the above cases.
Education.
Vocational training.
Medical relief.
Registration of individuals as members of criminal gangs; procedure as to.—
Case of children.
Release, tentative and final.

F. Legislation.

Prison Reform Legislation.

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